

## AGING, DEPARTMENT ON[17]

### Notice of Intended Action

#### **Proposing rule making related to aging and disability resource center and providing an opportunity for public comment**

The Department on Aging hereby proposes to amend Chapter 23, “Aging and Disability Resource Center,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 231.14.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 231.64.

#### *Purpose and Summary*

This amendment satisfies the requirements to eliminate outdated language and add new service descriptions pursuant to 2018 Iowa Acts, House File 2451, section 17. It directs aging and disability resource centers (ADRCs) to perform duties mandated by federal and state law and rule in conjunction with the Area Agencies on Aging Area Plan in accordance with 17—Chapter 6 and as described in the Area Agency on Aging Reporting Manual.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Angela Van Pelt  
Iowa Department on Aging  
Jessie Parker Building  
510 East 12th Street, Suite 2  
Des Moines, Iowa 50319  
Phone: 515.210.2114  
Email: [angela.vanpelt@iowa.gov](mailto:angela.vanpelt@iowa.gov)

## *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

## *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend 17—Chapter 23 as follows:

### CHAPTER 23 AGING AND DISABILITY RESOURCE CENTER

**17—23.1(231) General.** ~~The aging and disability resource center (ADRC) serves to assist individuals in living healthy, independent, and fulfilled lives in the community. The ADRC will work to ensure that individuals accessing the long-term care services and supports system experience the same process and receive the same information about service options wherever they enter the system.~~

**17—23.2(231) Authority.** The department has been given authority to administer the aging and disability resource ~~center~~ centers (ADRCs) by Iowa Code section 231.64.

**17—23.3(231) Aging and disability resource ~~center~~ centers.** The department shall administer the aging and disability resource ~~center~~ centers and shall do all of the following:

1. Perform all duties mandated by federal and state law.
2. Designate ADRC ~~coordination centers~~ ADRCs.
3. Provide technical assistance to ADRC ~~coordination centers~~ ADRCs.
4. Provide oversight of ADRC ~~coordination centers~~ ADRCs to ensure compliance with federal and state law and applicable rules and regulations.

**17—23.4(231) ADRC ~~coordination centers~~.** An ADRC ~~coordination center~~ designated by the department shall do all of the following:

**23.4(1)** ~~Perform~~ perform all duties mandated by federal and state law and applicable rules and regulations. Services provided under this chapter shall be included in the area agencies on aging area plan in accordance with 17—Chapter 6 and as described in the Area Agency on Aging Reporting Manual.

**23.4(2)** ~~Increase the accessibility of community long-term care services and supports by providing comprehensive information, referral, and assistance regarding the full range of available public and private long-term care programs, options, service providers, and resources within a community.~~

**23.4(3)** ~~Develop a community long-term care services and supports enrollment system.~~

**23.4(4)** ~~Provide options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term care.~~

**23.4(5)** ~~Serve as a point of entry for programs that provide consumer access to the range of publicly supported long-term care programs.~~

**23.4(6)** ~~Designate ADRC local access points.~~

**23.4(7)** ~~Provide technical assistance to ADRC local access points.~~

~~23.4(8)~~ Establish an advisory council to advise the ADRC coordination center and to review and comment on ADRC coordination center policies and actions.

~~23.4(9)~~ Provide oversight of ADRC local access points to ensure compliance with federal and state law, applicable rules and regulations, and policies and mandates as determined by the advisory board.

~~17—23.5(231) ADRC local access points.~~ An ADRC local access point designated by an ADRC coordination center shall do all of the following:

- ~~1. Perform one or more functions of an ADRC coordination center.~~
- ~~2. Maintain an agreement with the ADRC coordination center, in the form of a referral agreement, contract, memorandum of understanding, or similar document, which specifies the duties of the ADRC local access point.~~
- ~~3. Serve on the advisory board of the ADRC coordination center.~~

~~17—23.6(231) Population served.~~ The An aging and disability resource center, ~~ADRC coordination centers,~~ and ADRC local access points shall assist the following individuals in seeking long-term care services and supports: shall assist individuals in accordance with Iowa Code section 231.64(2).

- ~~1. Older individuals;~~
- ~~2. Individuals with disabilities who are aged 18 or older;~~
- ~~3. Family caregivers of older individuals;~~
- ~~4. Family caregivers of individuals with disabilities who are aged 18 or older;~~
- ~~5. Individuals who inquire about or request assistance on behalf of older individuals; and~~
- ~~6. Individuals who inquire about or request assistance on behalf of individuals with disabilities who are aged 18 or older.~~

~~17—23.7(231) Options counselors.~~ An ADRC ~~coordination center~~ shall ensure that options counselors meet the requirements of this chapter and applicable federal and state law.

~~23.7(1) Background checks.~~ All ~~ADRC coordination centers~~ ADRCs shall establish and maintain background check policies and procedures that include, but are not limited to, the following:

*a. to c.* No change.

~~23.7(2) to 23.7(4)~~ No change.

~~23.7(5) Position-specific training.~~ The options counselor shall provide to the ADRC ~~coordination center~~ documentation of successful completion of the person-centered counseling core curriculum provided by Elsevier, or an equivalent that is approved by the department, within 30 days of employment as an options counselor. Documentation shall be included in the individual's personnel record.

~~23.7(6)~~ No change.

These rules are intended to implement Iowa Code section 231.64.